

**State Program Standing Committee Meeting**  
**March 17, 2016**  
**Waterbury State Office Complex, Waterbury**

**Attendees:**

Committee Members: Anne Bakeman, Connie Woodberry, Nicole LeBlanc, Barb Prine, Julie Cunningham, Theresa Wood, Max Barrows, Linda Berger, Bethany Drum, Susan Yuan, Greg Maiers (CSAC), Emily Anderson, Rachel Colby

Guests: Kirsten Murphy, Shelley Martin, Joy Redington, Marlys Waller, Lori Lintner, Vicki Upham, Amethyst Crowe, Colin Provencher, Paula Dougherty (CSAC), Ric Wheeler (CSAC), Molly Brown (CSAC), Bob Thorn (CSAC), Mark Utter, Karen Noone

State Employees: Chris O'Neill, Joy Barrett, Jeff Nunemaker, Monica Hutt, Roy Gerstenberger, Lisa Parro, Ellen Booth

**Introductions, Review Agenda, Approve February Minutes**

Introductions were completed. Upon review of the agenda, Barb requested that an update on the Clinical Task Force regarding facilitated communication be added before the Commissioner speaks. This update will be added to the agenda; however, it is unknown at this time if this will be able to be added before the Commissioner speaks.

The minutes from the February meeting were reviewed. Anne made a motion to approve the minutes as written, Nicole seconded. The February meeting minutes were approved as written.

**Status of Letter**

Kirsten described the various issues that were behind the plan to create a letter. Children, many who have Autism, use Applied Behavior Analysis (ABA) therapy. This service used to be paid by DD services; however, the service is now paid by Medicaid. The rate that is being paid does not cover the services. There is a concern about what services are billable and the rates that are paid, as some of the rates are too low to sufficiently cover the services at the agencies that include not only direct engagement with children in the therapeutic context but also indirect supervision time and planning. There is also a concern about the lack of credentialed staff to provide the needed services.

At the November SPSC meeting, the SPSC voted to write a letter to the AHS leadership and DAIL Commissioner, DVHA Commission, DMH Commissioner, Secretary of the Agency of Education, and the DCF Commissioner that addressed the issues of reimbursement rates, availability of supports, the lack of other therapeutic services in the state plan at this time, the need to identify and publicize leadership and responsibility for Autism services, and to request pressure to private insurers on the need to increase therapeutic professionals.

Kirsten Murphy and Barb Prine consulted with Theresa Wood, and then with Ashley Berliner, Director of Healthcare Policy at the Agency of Human Services, about the Agency of Human Services' (AHS) position on this. Ashley stated that the Department of Vermont Health Access (DVHA) recently hired an autism specialist, Janet Hunt; and they are still trying to seek a 'sweet spot' for the rates. A letter has been written to Senator Ashe and some representatives about the funds.

A discussion pursued at the SPSC meeting about ABA needs, the lack of individuals using ABA services who are on the waiver, other 'tools in the toolbox' that can be utilized for services, and the array of need for services in the different areas. Roy suggested that the professional network of ABA services may want to advocate in the legislature, and that the SPSC may want to consider having someone from the provider group come to a meeting in the future.

A letter on behalf of the SPSC has not yet been sent. A suggestion was made to hold off on writing a letter and just continue to monitor all the movement with ABA at this time. Barb made a motion that the SPSC should not write a letter at this time., Connie seconded the motion, and the motion was passed.

## **DAIL Commissioner, Monica Hutt**

### **Health Reform and ACOs**

Health Care Reform, the Accountable Care Organization (ACO) Model, the All Payer Model (APM) are all terms that are connected to each other and the global goal of reforming payment and practice in health related services; however, they are different. Trying to figure this out and understand how long term supports and services delivered through Medicaid fit into ACOs is still being discussed. At this time, there is nothing profound to report.

It's important to remember that when Vermont implements the All Payer Model it will only represent about 50% of the Vermont population because only a portion of Vermonters will be connected with primary providers that are connected to an ACO. Many Vermonters will not be included in the first part of the implementation and Vermont will have a payment system running in two different streams, which will require a joint effort. Work with the designated agencies and how to get long term Medicaid providers into the mix, has already begun and is generally referred to as the Medicaid Pathway.

Theresa reported that there was a 3<sup>rd</sup> reading by the House Health Care Committee on a bill about the all payer model and ACO, which creates parameters for ACO's. The bill will now go to the Senate. Theresa feels this is progress, as there has not been anything to help guide the Green Mountain Care Board.

The next meeting the Commissioner attends, the Committee can look at the status of the bill and its relevance to the group.

### **Clinical Task Force and Facilitated Communication**

DAIL's position on facilitated communication has never changed. DAIL is clear on how to interpret the rules, and funding for Facilitated Communication or Supported Typing has never presented an issue with Medicaid. Commissioner Hutt is trying to be clear in communicating DAIL's understanding and is working with AHS on a shared analysis of the issue to get us to resolution. The crux of the issue continues to be understanding the differences about what is allowable through the Medicaid State Plan for all Vermonters and what is allowable through Global Commitment related to special populations.

Theresa contacted Secretary Cohen's office and urged the Secretary to have a conversation with a facilitated communication user, referring him to Mark Utter. Commissioner Hutt has also shared Mark's blog with the Secretary.

### **SPSC Member Expirations – Barb Prine**

There are 4 SPSC members whose terms will be expiring at the end of March, and they are interested in being reappointed – Bethany, Max, and Connie. Emily's term will be expiring also; however, she is not interested in being reappointed. Since Max and Connie are both on the SPSC Nominating committee and their re-applications need to be reviewed, Rachel and Anne has been asked to assist Barb on the membership committee with the current applications.

The SPSC has received two new applications for advocate positions on the SPSC.

### **DDSD Updates – Roy Gerstenberger, DDSD Director**

Roy sent the SPSC some excerpts of the recommendations that were made in the "Imagine the Future" Task Force report, and would like the SPSC review these and determine if DDSD has met the recommendations, what is being done well, what is not being done well. Roy would also like the SPSC members to make him aware about any technology that the SPSC may want to learn about. A future agenda item will be "Two years later, where are we now?"

### **Policy Issues of Interest; Advocacy Work – Kirsten Murphy, DD Council**

*On December 19, 2014 Congress passed the Achieving a Better Life Experience Act of 2014 (ABLE Act). The act allows states to establish a tax advantaged savings account under Section 529A to help individuals and families finance disability needs. Vermont passed enabling ABLE Legislation (S.138) in ACT 51 during the 2015 Legislative Session. The Governor signed Vermont's ABLE legislation into law on June 3, 2015.*

Things are moving forward with ABLE, which will allow working people with disabilities to hold significant assets in their own name. Further legislation is needed to allow the Treasure to contract with other states to create a multi-state program. This provision is included in the 2016 Economic Development big bill. The reason for a multi-state program is that Vermont is too small to have enough potential participants to keep ABLE fees low. The Treasurer's office and VTDDC are hosting a New England Summit on ABLE in June (date to be determined). With Vermont taking the lead on this, a regional ABLE Program could be used to encourage competitive employment and enhance financial literacy for people with disabilities.

Some additional “house-keeping” provisions for the Medicaid for Working Adults with Disabilities program have also been successfully rolled into the Economic Development big bill.

Theresa spoke about two bills in legislature:

- 1) A bill to reorganize the Agency of Human Services. The bill creates a new Agency of Health Care Administration. The Senate Appropriations Chairperson, Senator Kitchel, is in favor of this bill. This bill was passed out of the Government Operations Committee, but Theresa is not sure where it is heading. There has not been a lot of discussion about it. Another bill for child care oversight would move DCF into the new agency; however, it is felt that this bill is not moving. Healthcare is ‘driving the ship’; everything is healthcare and is the biggest drivers of cost.
- 2) A paid leave bill. Theresa has spoken with Bill Ashe, Marlys Waller, and Bard Hill to understand the fiscal impact of paid leave for disability services. There would definitely be an impact; however, the specific amount is not yet known. The budget pressures for next year are being identified. Good workers should be eligible for paid time off; however, how this can be done within the construct of Medicaid payments needs to be investigated.

### **Counseling Service of Addison County (CSAC) Re-Designation**

The DDS Quality Review Team reported their findings of their review of the Counseling Service of Addison County (CSAC), and some staff from CSAC spoke. Green Mountain Self Advocates (GMSA) did not get a chance to complete their survey for this re-designation.

The CSAC is involved in Integrated Family Services (IFS), which is housed in the programs, and allows them to increase their services to children who may not have been eligible for services through other means. IFS is family oriented services. The programs involved in IFS, county wide, work together to determine what is best for the individual and break down any silos. There is no competing.

Out of the 138 people eligible for DD services, 66% of them are working for at least minimum wage. There are placements throughout Addison County. Jennie Masterson nominated CSAC for a study in Massachusetts; however, unfortunately after speaking with Massachusetts, Greg Mairs does not feel that CSAC may be qualified to participate in the study as it is for new programs and this one has been in existence for a while.

The SPSC voted to recommend re-designation for CSAC (11 in favor of re-designation, 1 abstention.)

Connie announced that a woman who works with people with disabilities from Myanmar is Coming to Vermont as a department of state visitor. We can be proud that Vermont was selected as one of the three locations in the US where the Department of State is sending international visitors to see good examples of positive programs initial Ed by citizens and by state government for people with disabilities.

## **SPSC Updates and Announcements**

While reconvening after the break, Theresa gave an update about where the budget was at in legislature.

The SPSC had a discussion about whether future meetings should be held at the Comfort Inn in Berlin or at the Waterbury State Office Complex. Nicole made a motion to have future SPSC at the Comfort Inn in Berlin, with quarterly meetings at the Waterbury Office Complex. Julie seconded the motion. The motion passed with 12 members in favor, 1 opposed. The next meeting at the Waterbury Complex will be in June.

Emily announce a Bridging Program family meeting on March 29<sup>th</sup>, at Fort Ethan Allen, about decision making with a highlight on guardianship. Roy, Max, and Barb will be speaking at this event. Emily will send out an announcement.

The Vermont Family Network Annual Conference is being held on April 6<sup>th</sup> at the Hilton in Burlington. Susan Yuan will be the keynote speaker.

The Voices and Choices Conference will be held in May at the Sheraton Hotel in Burlington.

Roy thanked the SPSC for joining the new DDS Facebook page.

Anne moved to adjourn, Nicole seconded the motion.